

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 06-138-GMS
)	
YVOR DELCHEV STOEV,)	
)	
Defendant.)	

MOTION FOR CONTINUANCE OF SENTENCING

The United States, by and through its undersigned attorney, request that the Court continue sentencing for three weeks because the United States does not have victim loss information necessary for the Presentence Report. In support of this motion, the United States provides the following:

1. Sentencing is scheduled January 24, 2008.
2. The offense of conviction, wire fraud, concerns 77 victims of a computer phishing attack aimed at PayPal account holders. The Presentence Report, dated December 19, 2007, at paragraph 23 reads as follows:

The FBI case agent reports that this week an FBI victim/witness coordinator is expected to send letters to the 77 Pay Pal victims. It is further expected that any financial losses to their bank accounts ultimately were suffered by the account holders' banks. The FBI case agent expects this week to forward the relevant bank information to a unit at FBI headquarters that will contact the victims' banks to ascertain what, if any, losses are attributable to the relevant 77 account holders.

Despite the above-referenced expectations, the Government's victim contacts did not begin until after January 1, 2008, and only recently did the Government complete sending letters and/or emails to the victims and their banks to ascertain what, if any, losses were incurred.

3. The United States requests a three week continuance in sentencing because the United States does not expect victim and bank responses can be received and assimilated into the Presentence Report without the continuance.

4. This request for a delay in sentencing is solely attributable to the undersigned attorney's failure to better manage the Government's victim contacts concerning losses.

5. On October 23, 2003, the defendant was detained upon entering his guilty plea. The defendant is represented by Keir Bradford, Esquire, with whom this motion has been reviewed. Ms. Bradford objects to the motion and further advises that no hearing on the motion is requested.

6. The United States has discussed this motion with United States Probation Officer Thomas Carey and he has no objection to the motion.

7. The Presentence Report calculates a Guidelines range of 12 - 18 months incarceration.

WHEREFORE, the United States respectfully requests that sentencing, scheduled for January 24, 2008, be continued for three weeks.

COLM F. CONNOLLY
United States Attorney

By 

Edmond Falgowski
Assistant United States Attorney

Dated: 1-16-08

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Criminal Action No. 06-138-GMS

ORDER

WHEREAS, the Court has scheduled sentencing for January 24, 2008; and

WHEREAS, the United States has made a request for a continuance;

IT IS ORDERED this _____ day of _____, 2008, that the sentencing scheduled for January 24, 2008, is continued; and

IT IS FURTHER ORDERED that sentencing is rescheduled to _____, 2008, at _____

Honorable Gregory M. Sleet
Chief Judge, United States District Court